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UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

LAFAYETTE DIVISION

UNITED STATES OF AMERICA, ET AL

CIVIL ACTION 08-893

VERSUS

JUDGE HAIK

CITGO PETROLEUM CORP.

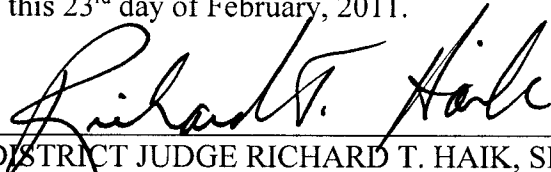
MAGISTRATE JUDGE HANNA

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**ORDER**

This matter is set for Trial on the 21<sup>st</sup> day of **March, 2011**. In an attempt to assist with trial preparation and to narrow the scope of the evidence presented, the parties are hereby notified that the Court has reviewed 33 U.S.C.A. section 1321, which is applicable to this matter, and has determined that any civil penalty which may be imposed in this case will be calculated on a per day basis, as set forth in 33 U.S.C.A. section 1321(b)(7)(A) and, should gross negligence be proven, 33 U.S.C.A. section 1321(b)(7)(D). As noted in *Sierra Club, Lone Star Chapter v. Cedar Point Oil Company, Inc.*, 73 F.3d. 546, (5<sup>th</sup> C., 1996), the Court has discretion in determining penalties under the statute. 40 C.F.R. section 19.4 will be used to determine the per day penalty amount, should any be imposed.

THUS DONE and SIGNED on this 23<sup>rd</sup> day of February, 2011.

  
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DISTRICT JUDGE RICHARD T. HAIK, SR.  
UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA